



# **Missouri Department of Natural Resources**

Water Protection Program  
Financial Assistance Center

Drinking Water State Revolving Fund  
Draft User Ordinance

The Water Protection Program's Financial Assistance Center (FAC) has developed the following draft User Ordinance for participants in the Drinking Water State Revolving Fund (DWSRF) loan program and other grant and loan programs administered by the FAC. For the benefit of the user, the draft ordinance is not protected and participants can modify it to fit their specific needs. The draft ordinance provides the basic format and information needed for DWSRF projects. However, the actual format it is not a requirement of the DWSRF and the use of this draft ordinance does not waive the review requirements for participating in the DWSRF.

Ordinance No.

(Note: Text that is either in parentheses and/or underlined is informational or suggested and is included to assist you in writing the ordinance.)

AN ORDINANCE REGULATING THE USE OF PUBLIC WATER SYSTEM, THE  
INSTALLATION AND CONNECTION OF WATER SERVICE, AND PROVIDING PENALTIES  
FOR VIOLATIONS THEREOF: IN THE (City/District) OF \_\_\_\_\_, COUNTY OF \_\_\_\_\_,  
STATE OF MISSOURI.

Be it ordained by the (Mayor/Superintendent) and the (Board of Aldermen/Board Members),  
of the (City/District) of \_\_\_\_\_, State of Missouri, as follows:

### **ARTICLE I**

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

Section 1: “Water Distribution System” shall mean all piping, conduits, valves, hydrants, storage facilities, pumps and other appurtenances, excluding service connections, which serve to deliver water from a water treatment plant or source to the public.

Section 2: “Service connection” shall mean each individual connection of a user to a water main or pipe for the purpose of conveying water to a point of use.

Section 3: “Service Line” shall mean any water line or pipe connected to a public water supply’s distribution main or pipe that conveys water to a point of use. Each service line is owned and maintained by the customer at that service connection and such line beings at the customer’s side of the meter.

Section 4: “Water Main” shall mean any water main line or pipe which conveys water to a point of use from a water treatment plant, source, or water storage facility. Water mains are owned and maintained by the City.

Section 5: “Water Treatment Plant” shall mean a facility which uses specific processes such as sedimentation, coagulation, filtration, disinfection, aeration, oxidation, ion exchange, fluoridation, or other processes which serve to add components or to alter or remove contaminants from a water supply source.

Section 6: "Water Meter" shall mean a water volume measuring and recording device, furnished and/or installed by the City or furnished and/or installed by a user and approved by the City. Each individual service connection shall have a water meter.

Section 7: "Cross-connection" shall mean any actual or potential connection or structural arrangement between a public water system and any other source or system through which it is possible to introduce into any part of the public water system any used water, industrial fluid, gas or substance other than the intended potable water with which the system is supplied. By-pass arrangements, jumper connections, removable sections, swivel or change-over devices and any other temporary or permanent devices through which or because of which, backflow can or may occur are considered cross-connections.

Section 8: "Person" shall mean any individual, firm, company, association, society, corporation, or group.

Section 9: "pH" shall mean the negative logarithm of the concentration of hydrogen ions in an aqueous solution.

Section 10: "Public Water System" shall mean a system for provision to the public of piped water for human consumption, if the system has at least fifteen (15) service connections or regularly serves at least twenty-five (25) individuals daily at least sixty days out of the year. The system includes any collection, treatment, storage or distribution facilities used in connection with the system. A public water system is either a community water system or a non-community water system.

Section 11: "Community Water System" shall mean a public water system which serves at least fifteen (15) service connections or regularly serves at least twenty-five (25) residents on a year-round basis.

Section 12: "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

Section 13: "Shall" is mandatory; "May" is permissive

Section 14: "Superintendent" shall mean the Superintendent of Water Works, who is in responsible charge of the operation and maintenance of the public water supply serving the (City/District).

Section 15: "Hearing Board" shall mean that Board appointed according to provision or Article \_\_\_\_ (This section to be included only if optional article entitled "Hearing Boards" is made a part of the ordinance.)

## **ARTICLE II**

Section 1: The owner of all houses, buildings, or properties used for human employment, recreation, residence or other purposes, situated within the (city/district) and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located access to a public water system within 100 feet of the property line, is hereby required to connect to such facilities in accordance with the provisions of this ordinance, within sixty (60) days (suggested deadline) after date of official notice to do so.

### **ARTICLE III**

Section 1: Before commencement of construction of a privately owned public water system in the (city's/district's) jurisdiction, the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the (city/district), which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of \_\_\_\_dollars shall be paid to the (city/district) at the time the application is filed.

Section 2: No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

Section 3: When a public water system becomes available, customers that connect must physically disconnect from the existing private system (well), in accordance with the city's cross-connection prevention ordinance. The well shall then be properly plugged in accordance with guidelines established by the Missouri Department of Natural Resources Division of Geology and Land Survey (DGLS) and outlined in state regulation 10 CSR 23 – 3.110 as amended, unless the owner wants to keep it functional for uses other than providing drinking water. A well may only be kept if it remains physically disconnected from the public water supply's distribution system, has a functional pump, is connected to an electrical service, and is pumped at least once in a twelve month period.

Upon connecting to the public water system, the appropriate DNR Regional Office shall be notified, in writing, that the connection(s) have been completed.

### **ARTICLE IV**

Section 1: No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public water system or appurtenance thereof without first obtaining a written permit from the Superintendent.

Section 2: There shall be two (2) classes of water system connection permits: (a) for residential and commercial service, and (b) industrial service. In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other

information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of \$\_\_\_\_\_ dollars for a residential or commercial building permit and \$\_\_\_\_\_ dollars for an industrial permit shall be paid to the city at the time the application is filed.

Section 3: All costs and expenses incident to the installation of the service line and connection to the public water system shall be borne by the owner. The owner shall indemnify the (city/district) from any loss or damage that may directly or indirectly be occasioned by the installation of the water service.

Section 4: A separate and independent service connection shall be provided for every building.

Section 5: The size, alignment, material used in the construction of new or the replacement of the existing public water system, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the most recent edition of the Missouri Department of Natural Resources (MDNR), Public Drinking Water Program, Design Guide for Community Public Water Supplies. A Permit to Construct, issued by MDNR, will be received prior to construction, alteration or extension of the water system.

Section 6: The applicant for a public water system connection permit shall notify the Superintendent when service line is ready for inspection and connection to the water system. The connection shall be made under the supervision of the Superintendent or his representative.

Section 7: All excavations for public water system improvements, replacements or repairs shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

## **ARTICLE V**

Section 1: No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the public water system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

## **ARTICLE VI**

Section 1: The (Mayor/Superintendent) and other duly authorized employees of the (city/district) bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance.

Section 2: While performing the necessary work on private properties referred to in Article VI, Section 1 above, the (Mayor/Superintendent) or duly authorized employees of the city/district shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the (city/district) employees and the (city/district) shall indemnify the company against loss or damage to its property by (city/district) employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

Section 3: The (Mayor/Superintendent) and other duly authorized employees of the (city/district) bearing proper credentials and identification shall be permitted to enter all private properties through which the (city/district) holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the public water system lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

## **ARTICLE VII**

Section 1: Any person found to be violating any provision of this ordinance except Article V shall be served by the (city/district) with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 2: Any person who shall continue any violation beyond the time limit provided for in Article VII, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$\_\_\_\_\_ dollars for each violation. Each 24-hour period in which any such violation shall continue shall be deemed a separate offense.

Section 3: Any person violating any of the provisions of this ordinance shall become liable to the (city/district) for any expense, loss, or damage occasioned the city by reason of such violation.

## **ARTICLE VIII**

Section 1: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 2: The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

## ARTICLE IX

Section 1: This ordinance shall be in full force and effect from after its passage, approval, recording, and publication as provided by law.

Section 2: Passed and adopted by the (Board of Aldermen/**Board Members**) of the (City/**District**) of \_\_\_\_\_, State of Missouri on the \_\_\_\_ day of Month, Year, by the following vote:

Ayes \_\_\_\_\_ namely

Nayes \_\_\_\_\_ namely

Approved this \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_  
Signature (Mayor, Chairman)

Name and title, typewritten or printed

Attest:

\_\_\_\_\_  
Signature (Clerk, Secretary)

Name and title, typewritten or printed